IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

WRIT PETITION NO. 2525 OF 2003

Chandra Bhuavan Co-operative
Housing Soc.Ltd ...Plffs.

vs.

The Divisional Joint
Registrar of Co-op Soc
'D' Ward, Bombay and Ors. ....Resps.

S.R. Tilokchandani i/by. M.K. Ambalal and Co.
for the petitioner.
Pradeep Jadhav- AGP/Respondent.
H.C. Mehta i/by. Mehta and Co. for
Respondent nos.2 to 3.

CORAM: S.U. KAMDAR, J.

DATED: 20TH MARCH,2006.

P.C. :

1. In the present petition Respondent no.2 has already expired. By an order dated 15.12.2003 the legal heirs were permitted to be brought on record. However learned counsel for the petitioner states that Respondents nos. 3, 4 and 5 are the legal heirs of the deceased Respondent no.2 and therefore no legal heirs are required to be brought on record.

2. The present petition challenges the order passed by the Divisional Joint Registrar, Co-operative Court, Bombay dated 6.5.2003. By the said order the Revision application preferred by the petitioner has been rejected and the order passed by the Deputy Registrar dated 16.5.2002 has been confirmed. It is an admitted position that application for transfer of the membership was made by the Respondent nos.2 to 5 on 2.5.2000 and no decision was taken under section 22(2) of the Maharashtra Co-operative Societies Act. The provision of Section 22(2) inter-alia provides that on failure to take decision by the society the applicant becomes the deemed member of the said society. Both the Deputy Registrar and Divisional Joint Registrar have given a finding that in the present case the

Respondent nos. 3 to 5 and the original Respondent no.2 have become the owners by virtue of deemed provision under Section 22(2) of the said Act. In the light of the fact that there is no dispute that the society did not taken any decision within the statutory period of three months from the date of the receipt of the said application, the order passed by the authorities below does not require to be interfered with. Petition accordingly fails and the same is accordingly rejected.

sd/-

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